

DEPARTMENT OF TRANSPORTATION

Adoption of Chapter 19-33
Hawaii Administrative Rules

July 1, 1987

SUMMARY

Chapter 19-33, Hawaii Administrative Rules,
entitled "Control of Hazardous Materials
and Waste at Public Airports", is adopted."

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 33

CONTROL OF HAZARDOUS MATERIALS AND WASTE

AT PUBLIC AIRPORTS

- §19-33-1 Definitions
- §19-33-2 Transportation of hazardous materials and waste
- §19-33-3 Storage of hazardous materials and waste at public airports
- §19-33-4 Security of hazardous materials and waste while in transit or temporarily stored at a public airport
- §19-33-5 Director's powers
- §19-33-6 Severability
- §19-33-7 Enforcement
- §19-33-8 Penalty

§19-33-1 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Air carrier" means any person engaged for hire in the business of carrying passengers or cargo, or mail by air.

"Aircraft parking and storage areas" means any portion of a public airport, designated temporarily or permanently by the director, that may be used for parking and storing of aircraft, for the servicing of aircraft with fuel, lubricants and other supplies and for the making of minor or emergency repairs to aircraft.

"Cargo ramp and apron areas" means any portion of a public airport, designated temporarily or permanently by the director, that may be used for the loading or unloading of cargo, mail and supplies on or off

aircraft; for the servicing of aircraft with fuel and lubricant; for the performing of the operation commonly known as "ramp service"; for the performing of inspection, minor maintenance and other services upon or in connection with aircraft incidental to performing "ramp service", and for parking of mobile equipment when actively used in connection with such operations.

"Class A explosives" means explosive substances as defined in title 49, chapter 1, section 173.53 of the Code of Federal Regulations.

"Class B explosives" means explosive substances as defined in title 49, chapter 1, section 173.88 of the Code of Federal Regulations.

"Class C explosives" means explosive substances as defined in title 49, chapter 1, section 173.100 of the Code of Federal Regulations.

"Department" means the department of transportation of the State of Hawaii.

"Director" means the director of transportation or his authorized representative.

"Enforcement officer" means the director of transportation, officers and employees of the department of transportation and every state and county officer charged with the enforcement of state laws and ordinances.

"Passenger ramp and apron areas" means any portion of the public airport designated temporarily or permanently by the director, that may be used for the loading and unloading of passengers, baggage, cargo, mail supplies on or off aircraft.

"Persons" means any individual, firm, partnership, corporation, trust, association, company, joint venture, or any other legal entity (including any assignee, receiver, trustee, employee or similar representative).

"Public airport" means that area of land or water under governmental jurisdiction which is used for landing and taking-off of aircraft, and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

"State" means the State of Hawaii.

"Through shipment" means the carrying of materials that transit public airports in the state without loading or unloading the material. [Eff AUG 24 1987]
(Auth: 261-12) (Imp: 261-12)

§19-33-2 Transportation of hazardous materials and waste. (a) For purposes of public safety and protection of the environment, shippers and air carriers that use a public airport for the interstate or intrastate shipment of hazardous materials shall comply with title 49, chapter 1, sections 171.1 to 173.1300, 175.705, and 178.0 to 178.350-3, Code of Federal Regulations, and the additional requirements of this chapter.

(b) No person shall deliver, receive, load or unload a hazardous material as defined in title 49, CFR, at a public airport unless the material is properly classed, described, packaged, marked, labeled, and in proper condition for handling and shipment by aircraft.

(c) Radioactive materials transported in cargo aircraft exceeding the limits allowable on passenger aircraft under title 49, CFR, etiologic agents, poison materials, Class A or B explosives, and liquified gases shall be loaded or offloaded at an airport operated by the State of Hawaii only in areas previously designated by the airports district manager or his designee for that purpose. Where previous designated loading and unloading areas have not been arranged, these materials and waste will not be loaded or unloaded until the airports district manager or his designee:

- (1) Is provided with a copy of the shipping document that lists the description, shipping name, and quantity of the material;
- (2) Has designated a location where the loading or offloading will take place; and
- (3) Has concurred in the location where the hazardous material is to be temporarily placed while in transit at the airport.

(d) The intrastate transshipment of radioactive materials transported in cargo aircraft exceeding the limits allowable on passenger aircraft under title 49, CFR, all etiologic materials, poison materials, all Class A or B explosives, and liquified gases shall be coordinated with the the airport district manager or designee at airports of departure and arrival as follows:

- (1) Not less than four hours prior to being delivered to a public airport for air transportation to any location in the State for all materials except that any shipment of explosives shall be coordinated at least

least twenty-four hours in advance of scheduled delivery at any airport;

- (2) At least two hours prior to aircraft arrival at any public airport within the State and at least two hours prior to any aircraft departing a public airport of origin.

(e) Interstate air carriers accepting radioactive materials transported in cargo aircraft exceeding the limits allowable on passenger aircraft under title 49, CFR, etiologic agents, poison materials, and class A or B explosives, and liquified gases for shipment, transshipment or through shipment shall accomplish the following:

- (1) At least four hours prior to arrival at the airport of a shipment originating at a public airport in Hawaii, coordinate the shipment with the the airport district manager or designee except that any shipment of explosives shall be coordinated at least twenty-four hours in advance of scheduled delivery at any airport;
- (2) At least two hours prior to aircraft arrival at a public airport in this state, notify the airport district manager or designee of the hazardous materials or waste on board for transshipment or through shipment at the public airport in the State.

(f) Information to be provided at time of coordination shall include the shipping name of the hazardous material, hazard class, quantity, name of the air carrier, identification number of the aircraft and estimated time of aircraft arrival at each airport on the itinerary. There is no requirement to notify alternate airports until such time as a decision is made to divert to the alternate because of weather or other reasons.

(g) The loading or offloading of class A or B explosives or parking of aircraft containing such explosives shall not be closer than five hundred feet from any inhabited building, aircraft boarding area, or public use aircraft parking apron.

(h) The air carrier or agent responsible for loading, unloading, surface vehicle transport or temporary storage of hazardous material shall assure that their personnel involved in the handling of hazardous materials are able to recognize a potential or actual hazardous material incident. Airport district manager or designee shall be promptly notified whenever a hazardous material or hazardous waste shipment poses a threat to public health and safety as a result of a breach in

packaging, loss, or is involved in theft, fire or a transportation accident involving an aircraft or motor vehicle.

(i) The air carrier or agent shall notify airports district manager or designee as soon as practicable whenever a discrepancy is noted in a hazardous material shipment following its acceptance for transportation aboard an aircraft. Reportable discrepancies include:

- (1) Hazardous materials found to be improperly described, certified, labeled, or packaged;
- (2) Packages and baggage which are found to be improperly described, certified, labeled, or packaged;
- (3) Packages and baggage which are found to contain hazardous materials subsequent to their being offered and accepted as other than a hazardous material, waste, or dangerous good. [Eff AUG 24 1987] Auth: §261-12) (Imp: §261-12)

§19-33-3 Storage of hazardous materials and waste at public airports. (a) The storage of class A, B and C explosives is prohibited. Other hazardous materials, including flammables, corrosives, compressed gases, and radioactive materials may be temporarily stored in hazardous materials storage areas designated by the air carrier and approved by the airports district manager or designee and Federal Aviation Administration authorities except in leased areas when the designated spot is in compliance with §19-33-2(g).

(b) The temporary storage of radioactive materials, etiologic material, poisons and hazardous waste shall be permitted during transshipment or overnight holding in identified hazardous materials and waste designated area. Approval of the airport district manager or his designee is required for storage of these materials and waste in other than the identified areas.

(c) Crash Fire Rescue personnel shall be notified as to location of aircraft parked with hazardous materials or the storage area of hazardous materials. Type of material(s) and amount; I.D. number, if known, i.e., UN 0257, fuses detonating.

(d) The hazardous materials storage areas shall be appropriately posted with signs that warn unauthorized people not to enter the area. [Eff AUG 24 1987] (Auth: §261-12) (Imp: §261-12)

§19-33-4 Security of hazardous materials and waste shipments while in transit or temporarily stored at a public airport. (a) The shipper or transporter shall be responsible for the security of the shipment until it has been accepted by the air carrier for air transportation. This same responsibility applies to shippers and transporters that accept a hazardous material or waste shipment from an air carrier.

(b) The air carrier becomes responsible for the security of the shipment upon its acceptance for air transportation and retains this responsibility until the shipment is released to the designated shipper, transporter or shipment consignee as reflected on the shipping document. [Eff. AUG 24 1987] (Auth: §261-12) (Imp: §261-12)

§19-33-5 Director's powers. The director, in the interest of public safety and protection of the environment, may make variations in hazardous materials and waste transshipment operations, provided they are not inconsistent with the intent of CFR 49. [Eff. AUG 24 1987] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-33-6 Severability. The provisions of this chapter are declared to be severable and if any portion or the application thereof is held to be invalid for any reason, the validity of the remainder of this chapter shall not be affected. [Eff. AUG 24 1987] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-33-7 Enforcement. This chapter may be enforced by police officers or any person deputized pursuant to §261-17, Hawaii Revised Statutes. [Eff. AUG 24 1987] (Auth: HRS §261-12) (Imp: HRS §261-17)

§19-33-8 Penalty. Penalties for violations of this chapter shall be as set forth in §261-21, Hawaii Revised Statutes. (Eff. AUG 24 1987) [Auth: HRS §261-12) (Imp: HRS §261-21)

DEPARTMENT OF TRANSPORTATION

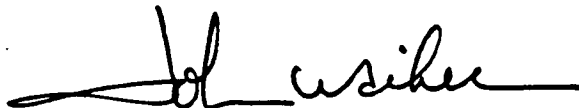
Chapter 19-33, Hawaii Administrative Rules, on the Summary Page dated July 1, 1987, was adopted on July 1, 1987, following a public hearing held on April 21, 22, 23, and 24, after public notices were given in the Honolulu Advertiser and Honolulu Star Bulletin on March 20, 1987, and in the Garden Island News, Maui News, and Hawaii Tribune-Herald on March 20, 1987.

The adoption of Chapter 19-33 shall take effect ten days after filing with the Office of the Lieutenant Governor.



EDWARD Y. HIRATA
Director of Transportation

APPROVED:



JOHN WAIHEE
Governor
State of Hawaii

Dated: AUG 13 1987

APPROVED AS TO FORM:


Deputy Attorney General

Filed